

ಶ್ರೀ ಜಿ. ಮಾದೇಗೌಡ.—ನಾನೂ ಹೇಳಿದ್ದೇನೆ. ನಮ್ಮ ಲೀಗಲ್ ಡಿಪಾರ್ಟ್‌ಮೆಂಟ್‌ನವರನ್ನೂ ಕನ್ಸಲ್ಟ್ ಮಾಡುತ್ತೇವೆ, ಮಾನ್ಯ ಸದಸ್ಯರಾದ ಲಕ್ಷ್ಮೀನಾಗರವರನ್ನು ಕನ್ಸಲ್ಟ್ ಮಾಡುತ್ತೇವೆ. ಹಾಗೆ ಮಾಡದೇ ಇದ್ದರೆ ನಮ್ಮ ಮಂಡ್ಯ ಡಿಸ್ಟ್ರಿಕ್ಟ್‌ಗೇ ಹೆಚ್ಚಿನ ರೀತಿಯಲ್ಲಿ ತೊಂದರೆಯಾಗುತ್ತವೆ.

MR. DEPUTY SPEAKER.—He has agreed.

SRI M.C. NANAIAH.—The point is this. Under the Tree protection Act the Divisional Forest Officer has got unlimited power to refuse permission to fell any tree in any portion. Now that authority can be exercised by the Divisional Forest Officer even if there is a High court order, because High court order is subject to rules and regulations.....

ಶ್ರೀ ಜಿ. ಮಾದೇಗೌಡ.—ಪರ್ಮಿಷನ್ ಕೊಟ್ಟಿಲ್ಲವೆಂದು ಹೇಳಿದೆ.

SRI M.C. NANAIAH.—Invoke it; the matter ends. No body can challenge in any Court. That I can assure you.

SRI K.H. SRINIVAS.—You have ample powers under the Act.

MR. DEPUTY SPEAKER.—Now we will take up Legislative Business.

LEGISLATIVE BUSINESS

THE KARNATAKA COURT FEES AND SUITS VALUATION (AMENDMENT) BILL, 1981.

Motion to Consider

SRI Y. RAMAKRISHNA (Minister for Law and Parliamentary Affairs and Veterinary and Animal Husbandry) Sir, I beg to move.

“That the Karnataka Court Fees and Suits Valuation (Amendment) Bill, 1981 be taken into consideration.”

The question was proposed

SRI Y. RAMAKRISHNA.—Sir, this is a very simple amendment I am moving to the Karnataka Court Fees and Suits Valuation Act. According to the Karnataka Court Fees and Suits Valuation Act, 1958 in respect of suits filed under Section 14 of the Religious Endowments Act, 1863 or under Section 91 or 92 of the Code of Civil Procedure which is a similar Act dealing with the Religious and Charitable Acts different procedures have been followed. The Court fee payable is a fixed fee of Rs. 50/- under Section 91 and 92 whereas under Section 50 of the Bombay Public Trusts Act which involves the same principle as adumbrated in Section 91 and 92 no such fixed fee has been prescribed. It is purely ad valorem. Now it has come to our light and we have rectified that by saying that, even the suits coming

under that Act a Court fee of Rs. 50/- has been fixed. This is a simple amendment and I think there may not be any objection to this from the Opposition side.

(SRI M. C. BASAPPA.—In the chair)

SRI H. GANGADHARAN (Krishnaraja).—Now doubt we cannot object to this, now it is the need. But the point is, it is a pitiable affair that in spite of twentyfive years of re-organisation of State various enactments applicable to various parts of the State are still being followed. For Madras there is a different Religious and Endowments Act, for Bombay Karnataka area there is different Act, for old Mysore there is a separate Act and for Hyderabad-Karnataka a different Act. When we find on some occasion that some amendments are to be made in respect of Madras Religious and Endowment Act, we are always introducing piece-meal legislations in this way. Even after twenty five years are we not able to make one comprehensive Religious and Endowment Act applicable to the whole State? What is the hindrance to make such an enactment? I want to ask the Government. Various parts of the State are following different Acts and it has become very difficult for the practitioners in Bangalore, particularly, to apply their minds to various kinds of Acts applicable in the State. I think almost all the States under the reorganisation have found their own enactments. Unfortunately, in respect of Hindu Religious and Endowment Act, our State is keeping quiet and ignorant and they are not taking any interest to frame one enactment. So this kind of situation goes on year by year introducing piece-meal legislations.

SRI Y. RAMAKRISHNA.—It is only a Court fee amendment.

SRI H. GANGADHARAN.—If there was a uniform Act as applicable in the Religious and Endowments Act of 1927 of the state of Mysore, this problem would not have arisen, and no doubt this uniform court fee Act would have to be introduced. But why you are introducing piece meal enactments every year. Therefore, this Government, Mr. Speaker Sir, let them have a common Religious and Endowments Act for the whole of the State. With these remarks, I welcome this amendment Bill.

SRI A. LAKSHMISAGAR (Chickpet).—Sir, the provisions of the amending Bill are made applicable with effect from First day of January, 1976. But no explanation is forthcoming from the Hon'ble Minister who is piloting the Bill, for the delay or nearly five years and the difficulty that is caused to the litigant public in matters which are pending before Courts. One fine morning the Minister and the Department wakes up and issues an Ordinance. Why?

5-30 P.M.

According to your own statement there are so many matters now pending and when you give retrospective operation to this piece of legislation it is applicable to cases which are now pending and they will have to collect additional court fee from 1st day of January 1976. It is stated in clause of the bill that"

"Shall be and shall be deemed to have been inserted with effect from the 1st day of January 1976"

So, explanation is not forthcoming. As pointed out by Mr. Gangadhar the difficulty is that this Government suddenly comes out with some ordinance and therefore there is some difficulty to understand the situation. This proposition has been welcomed and I believe Government made a promise that a committee would be appointed to bring about uniformity in the existing laws governing different parts of our State. May I on this occasion ask the Hon. Minister for Law whether the Government would undertake the job of bringing about uniformity in the existing legal provisions in different parts of the State. Since 1956 no attempt has been made.

SRI Y. RAMAKRISHNA (Minister for Law and Parliamentary Affairs).—I will examine.

SRI A. LAKSHMISAGAR.—Every now and then you see, it is difficult even for a lawyer to keep pace with these developments. Uniformity was achieved on 1st of November 1956 when a unified State of Karnataka was ushered in bringing within its fold all Kannada speaking areas which were scattered over different parts of South India. Now it was achieved. When it was achieved I believe you were also in Government then.

SRI Y. RAMAKRISHNA.—I have said nothing about that. I will examine the matter.

SRI A. LAKSHMISAGAR.—This piecemeal legislation coming before this House off and on can be easily obviated if you do the basic work. I know that you are going to be there till 1983. You do some solid work in your ministry. Unless of course you chose otherwise you will be there till 1983. Therefore, within the period at your disposal you kindly make some exercise and bring a uniformity laws.

SRI J. H. PATEL.—I wish you continue but I have my own doubts.

SRI A. LAKSHMISAGAR.—Sir, I may tell you with a sense of seriousness when I want to find out the meaning of these various small amendments. I must see the entire Act. What is purpose. What is the implication. It is not an easy task. You only read the information that is given by the officers because you have no time. But

unfortunately I cannot take it so lightly. This is a very serious matter. You can do away with this exercise. Therefore, you please address yourself to the task of bringing about uniformity in all fields of law that are operating in Hyderabad Karnatak area, Bombay Karnataka area, Coorg area and old Mysore area so that we may avoid unnecessary hardships that is likely to arise and relieve the litigant public from the inconvenience that is being caused now. This is my submission. I wanted to say some concept about Court fee levied. I wanted to address some arguments about the very concept of levying court fee. I will take up on some other occasion and make concerted and determined effort to convince the inconceivable mind of the Minister of Law.

SRI Y. RAMAKRISHNA.—It is a most uncharitable remark.

SRI A. LAKSHMISAGAR.—That is my view.

SRI V.V. PATTAR.—This is a quite formal amendment and I am welcoming it. I am supporting it also. But the thing is the concept of levying the Court fee will have to be considered by the Government. You are levying court fees and the litigants will have to pay huge amount of court fee. It is very difficult for a litigant to pay huge court fee. Now we are addressing ourselves towards a state in which there is economic justice, social justice and so on. You know, Sir, in our country there are more than 50 persons who are under the poverty line. Only few are rich. I do not know whether we are delivering social justice to the people. That is the ideal towards which we are to go. I do not think the State is getting much more income by way of court fees. As a lawyer I have experience that so many litigant public feel hard to pay the court fees, especially the poor class and middle class people. Take for example to file an injunction suit one has to pay Rs. 100 towards court fee. It is the same in all other suits also. So this is deterrent. I request the Hon. Minister to examine as to whether Court fee could be abolished in toto thus delivering justice to the people of the State.

SRI Y. RAMAKRISHNA.—I would like to bring to the notice of members that the Government of India have appointed a committee to examine the issue relating to court fee.

SRI A. LAKSHMISAGAR.—If you want to say anything about that I have some information and I would like to tell them now.

SRI Y. RAMAKRISHNA.—I only said that the Committee has been appointed. Anyhow the suggestions offered by the hon. members are excellent and worth considering. Now I request the House to give their consent for this amendment.

CHAIRMAN.--I will now put the consideration Motion to vote.
The question is

“ That the Karnataka Court Fees and Suits Valuation
Amendment Bill, 1981 be taken into consideration.”

The Motion was adopted

Clause 2 and 3

CHAIRMAN.--The question is.

“ That Clauses 2 and 3 do stand part of the Bill.”

The motion was adopted

Clauses 2 and 3 were added to the Bill

Clause 1 etc.

CHAIRMAN.--The question is

“ That Clause 1, Long Title the preamble and the Enacting
Formula do stand part of the Bill”

The motion was adopted

*Clause 1, the long Title. the preamble and the Enacting Formula
were added to the Bill*

MOTION TO PASS

SRI Y. RAMAKRISHNA (Hon. Minister for Law and Parliamentary
Affairs and Veterinary & Animal Husbandry)

Sir, I beg to move.

“ That the Karnataka Court Fees and Suits Valuation
Amendment Bill, 1981, be passed”.

CHAIRMAN.--The question is.

“ That the Karnataka Court Fees and Suits Valuation
(Amendment) Bill, 1981, be passed”.

The Motion was adopted and the Bill was passed.